

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KEVIN BRINK, *on behalf of self and
all others similarly situated,
Classes A, B, and C,*

Plaintiff,

v.

CIV NO. 13-946 KG/GBW

CITY OF LAS CRUCES,

Defendant.

ORDER STAYING DISCOVERY

This matter comes before the Court on Defendant's Motion to Stay Discovery.

Doc. 18. The motion is fully briefed and the Court heard oral argument on this Motion on February 12, 2014. *Docs. 21, 22, 23.* Having considered the arguments of counsel, the associated briefing, and being otherwise fully advised, the Court finds that the motion is well-taken and should be granted.

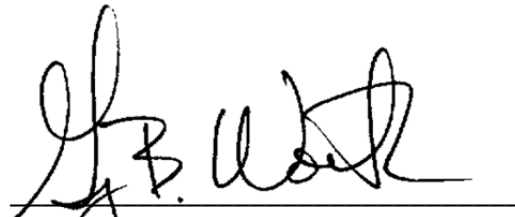
Defendant filed a Motion for Summary Judgment for lack of standing on January 29, 2014. *Doc. 17.* Defendant moves for a stay on the basis that, if their summary judgment motion is granted, it will dispose of the case on jurisdictional grounds. Plaintiff opposes the stay.

"[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also Stone v. Immigration and Naturalization Service*, 514 U.S. 386, 411 (1995) ("[W]e have long recognized that courts have inherent power to stay proceedings.").

A stay of discovery in this case is appropriate. If Defendant's motion is granted, a stay will have avoided unnecessary expense on both sides. None of the discovery currently sought by Plaintiff is subject to being lost by the passage of time. Plaintiff points to no prejudice that he will suffer as a result of the stay. While he argues that some discovery may be necessary in order to respond to Defendant's Motion, such discovery could be sought through a Rule 56(d) motion notwithstanding the general discovery stay.

Wherefore, discovery in this case is hereby stayed until the Court has entered a ruling on Defendants' Motion for Summary Judgment.

IT IS SO ORDERED.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE